SATURDAY, FEBRUARY 27, 1869. Important Decisions.

With the pressure of our full and comand importance. These, with the Legisla- rectify. tive proceedings, crowd our columns to the

tional, and in the same opinion strongly will become important subjects for the conintimated that the Homestead exemption sideration of future conventions. in the State Constitution is good as against all debts, whether contracted previous or service was referred to a committee comsubsequent to the adoption of the Consti- posed as follows: James Gardner, of the tution. We fear the former portion of the Augusta (Ga.) Constitutionalist; J. A. decision will carry with it much distress Engelbard, Wilmington (N. C.) Journal; and ruin to a struggling people, and will F. W. Dawson, Charleston (S. C.) News check the liberal spirit of compromise by W. W. Screws, Montgomery (Ala.) Adverwhich much of the old indebtedness of the tiser; Joseph Clisby, Macon (Ga.) Telepeople was being satisfactorily adjusted. graph. Col. A. R. Lamar, of the Colum-Much relief, however, will result from the bus (Ga.) Sun, President of the Convenconcluding portion of the decision in re- tion, was added to the committee. The gard to the Homestead exemption.

The dissenting opinion of Justice Reade | ject : in the Chatham Railroad Injunction case, and the concurrence of Justice Settle therein, is also published. We have previously given the opinions of Chief Justice Pearson and Justice Rodman, with the concurrence of Justice Dick in this case. This decision, for which these three Judges at least deserve the credit of withstanding the heaviest party pressure ever brought to bear upon a Court, will save the people of the State from being taxed to pay many millions of illegal and corruptly contracted

Still another decision, which we publish makes negro testimony legal in all cases. These are decisions of the first importance to the people of North Carolina, and deserve the prominence which we give them.

Service Afloat,

We have received from the publishers. Kelly, Piet & Co, of Baltimere, through Mr. Heinsberger of this city, a beautiful copy of Admiral SEMMES', of the late Confederate States Navy, new work, MEMOIRS OF SERVICE AFLOAT DURING THE WAR BE TWEEN THE STATES.

This is, without doubt, the best written and most authentic work yet published in connection with the late war between the United States and Confederate States. Admiral SEMMES has shown himself as vigorous and successful with the pen as with the sword. He has added a valuable contribution to history, and the record a manner as will prevent the continuance of the sentation and misrepresentation in the which he has thus handed down, will live as one of the brightest and strongest links which have made Southern prowess and achievements immortal.

Admiral SEMMES' style is clear and forcible, and his descriptions of voyages and particularly of battles are fascinating in the well performed characterizes the whole work. It is illustrated by engravings from original designs printed in chromo-tints and steel engraved portraits, among them that of Lieut. E. MAFFIT, of our city, who

Southern Recuperation.

It is most encouraging to persons who have had the opportunity of traveling much through the South to witness the certain and gratifying evidences of rapid recuperation which some portions present, and which most assuredly will soon reach all. If such a wonderful change has been brought about by a single remunerative harvest, what can circumscribe the hope, or even the reality, when the labors of husbandmen shall be blest, season after season, with the rich rewards of their in. dustry and the fertility of their soil. If so much can be done in one year, after three successive failures, and four years of bloody and wasteful war, without the aid of foreign capital without, even, its sympathy, when labor was disorganized and society itself in a disordered condition, what may we expect when capital and population seek our section, when wise and 25th instant. We have received returns just laws organize society, and labor is from ten precincts in Sampson county, controlled by the great laws of supply and | which have been officially heard from and beneficial presence. Who can contemplate | cal). Two precincts we have yet to hear

fact strikes the Southern traveler. It is 480. This will probably elect him. In the number of Northern and Foreign capi- Clinton our returns show the vote to have viding for the appointment of postmasters hotels, and even in social assemblages, they negroes), though our correspondent inseeking the best locality to unpack their majority there of 206. carpet bags, to prey upon the Southern people, but honorable men, desiring to unite their fortunes with ours, and help restore the lost prosperity of the South men of substance and of character, who, whatever may be their politics, have as much contempt for the miserable bloodsuckers, left among the worthless debris of the disbanded Federal armies, to feed upon our helpless people, as we have.

They all express themselves well satisfied with our people, our climate and our lands. Surprised at the warm reception extended to them, of the wonderful quiet and order prevailing throughout the country, of the still kindly relations between the races-so different are all these things from what they had been led to believe. This intercourse, if no other result is attained, will be most beneficial. But we look for a large increase in wealth and population as the offspring of these tours of inspection.

Southern Press Association.

Press Association in Mobile, was by far him to his seat. The brazen effrontery the most successful and important conven- and deception contained in his reply to tion ever held by the representatives of the the Committee in regard to giving has decided that a State Agricultural Fair southern press. Of the pleasures enjoyed and a state of the pleasures enjo Southern press. Of the pleasures enjoyed aid and comfort to the "rebellion" by the delegates through the bountiful surprises no one. His reply was, says hospitality of the citizens of Mobile, it will Senator Sweet, "that he did not handle

ested, as it is the purpose of the Associa- him the respect of his fellow-Senators or tion to improve the standard of Southern hide the cheap falsehood of his reply. A newspapers, and especially in regard to soldier himself, Senator Sweet knows that the present telegraphic news service, and only brave men voluntarily handled muswe believe that important steps were taken kets and guns in the late war. Mr. Jones, plete weekly review of the Wilmington in this matter, which will remedy many of however, was, as we are reliably informed, market, we publish this morning decisions the evils complained of by readers, and an agent of the Confederate States to purof the Supreme Court of absorbing interest which publishers have labored in vain to chase horses and mules for the use of the

But little business was transacted except can do nothing towards inaugurating and to vindicate the majesty of the law. The Stay Law is declared unconstitu- completing other necessary reforms, which

The whole question of telegraphic news following report was made upon the sub-

The Committee to whom was referred the conideration of the whole subject of telegraphic ews service report the following as the chief ob-

ctions to the system now in force : 1. The territory represented in this Convention avs about \$50,000 annually to the New York Asciated Press for telegraphic news, which \$50,ress Association, but is collected and remitted y the local agents of the New York Associated

2. The New York Associated Press claim the ight to admit, and has admitted, papers to the consent of the Southern Press. 3. This Association has no control

over the appointment of local agents. 4. The press dispatches of members of 5. The assessments and tolls may be, and have incertain as to what would be the cost of their and unjust exactions. Your Committee therefore respectfully recom-

btaining the telegraphic news which its memfinancial agent or treasurer. 2. That the Executive Committee assess the

nd claim that the right belongs exclusively to the

the right of nominating the local telegraphic news agents within its territory, and that the power of

5. That the Executive Committee be author to contract for the supplying of telegraphic news glaring evils of which complaint is made.

proceed at once to enter into negotiations the latter. to contract for a satisfactory telegraphic news service, and whether it be renewed with the New York Associated Press, or entered into with any other News Associaextreme. The whole work is marked by tion, or with the Western Union Telegraph extraordinary ability in its argument, Company direct, we are satisfied that it while a deep conviction of a noble duty will result in good to the Southern papers, and will prove acceptable to Southern

This Executive Committee consists of the President, Col. A. R. Lamar, re-elected, and three members to be selected by with credit under the gallant him from the following Board of Directors: F. W. Dawson, South Carolina James Gardner, Georgia; W. W. Screws, Alabama; W. J. Ramage, Tennessee; John Armstrong, Mississippi; and J. A. Engelhard, North Carolina. In addition to these officers, Col. M. J. Williams, of the Selma (Ala.) Times, was elected Vice-President, and Mr. A. W. Reese, of the Macon (Ga.) Messenger, Secretary and Treasurer.

> This important movement has in it no being alike interested. With the exception of the Virginia and New Orleans every Southern daily paper, and we hope in this city during February. it will not be long before these papers will take position where we believe their sympathies already lead them.

Sixteenth Senatorial Districts

The election for Senator in this district. vice Capt. Jno. A. Oates banned by the honorable peace, blesses us again with its Candidate, 462 majority over Lee (Radithe boundless wealth and power of the from, which will not materially alter the talists seeking investments, and frequently been: Murphy, 260; Lee, 6. The latter homes, in this section. In the cars, the were the only Radical votes polled (all by

Mobile and the Press. to pay our respects to the people of whose princely hospitality we were the delighted excuse our delay by quoting from our venerable friend, Mr. CLISBY, of the Macon Telegraph, to show the nature as well as the severity of the engagements of one who at least survived every skirmish and battle. and "reported for duty" to the end :

"The gay, festive and hospi able Mobilians had the Press Convention, in one respect, at disad-vantage. The round of their hospitalities was master. pretty nearly as ceaseless as the diurnal motion of the earth; but they could send fresh men into the field every day, while the veriest Trejan in the Convention must flag under the wear and tear of so protracted a campaign. Most of the Convenion, however, stood up to the work wonderfully. Republican journal, suggests that a simple Some half a dozen of the older members were fre quently missing at roll call, but the younger and better soldiers steadily reported for duty."

A. J. Jones.

If our readers will excuse us for referring to this individual, we will call attention to The recent meeting of the Southern the proceedings of the Senate admitting

THE WILMINGTON JOURNAL the business which was transacted, every cause of the rebellion, cuss it and damn it." reader of a Southern paper is much inter- Mr. Jones' profanity will not serve to win

army, and acted as such for some time. We regret that the Committee did not exclusion of almost everything else. There in regard to this very important matter, more fully investigate this matter, not with can be nothing of more vital concern than for, until the Southern Press Association any view to "catch the conscience" of the these official decisions in regard to matters has a real existence and manages and con- "honorable" Senator, for he re-euters of such moment as those to which they re- trols its own telegraphic news service, it those Halls with a tainted reputation, but and courtesy of a resolution by the General As-

Representation for the South.

this is to be conferred on some one who is a bit-Southern people; and thus the South is to be represented. Surely this is a more grievous insult and mockery than the "representation," so-called, by carpet-baggers in Congress. Until the Southern people can receive a representation of their own choice in the National Governmentantil the day comes that ten millions of American people can be put on a different footing from Poland—it would be well, we think, to forego his wretched sham and imposture. Let us have announce boldly that the American doctrine of tyranny, but no worse than what we have, and it liberate and shameless falsehoods.

National Intelligencer. We suppose that the theory of Southern representation in the administration of the General Government will hold as good in President GRANT's Cabinet as it does in 00 is not in any way controlled by the Southern Congress. The South will have the appearance of representation in the Cabinet as North Carolina does in the Congress of the United States, in the persons of benefit of the Southern news system without the such men as Abbott, Heaton, French and Deweese. If President Grant is to make this concession to the ten millions of Association may be cut off at any time at the people of the South; if one Cabinet officer arbitrary will of the New York Associated Press. is to be selected from this entire section een, increased t will by the New York Associa- merely to keep up the form of a represened Press, so that the Southern Press have been tative Government, the custom, in this inspatches, and have been subjected to unusual stance at least, will be "more honored in that too many politicians, whose breasts 1. That this Association contract as a body for are filled with bitter prejudices to cur bers require, and pay for the same through its people, will become the political advisers of the new President without the addition and whose hatred results from their base tutional, why the learned and able arguments at rcise by the New York Associated Press of the and perfidious abandonment of their fellowege of receiving its Southern telegraphic news, citizens to promote their own selfish purposes. The appointment of such persons tions named in the 5th section of the 5th article 4. That the Southern Press Association claim as the representatives of Southern opinions first clause will read as follows: and interests is such an empty mockery of Republicanism that we sincerely trust zed and instructed to negotiate with the New party to such transparent trickery and disingenuous hypocrisy. We of the South | I propose to consider 1st: The power of th have so long been accustomed to no repre-The Executive Committee will therefore learned to prefer the former rather than

MARRIAGES. - During the month of Febmarriage tie have been issued to the fol-

Total......59

This beats January by 17 couples.

MORTUARY STATISTICS - INTERMENTS IN OAKDALE CEMETERY .- We have obtained from the Secretary and Treasurer the following list of interments (and diseases of which the persons died) in Oadale Cemetry during the month of February : Died of conjective fever, 1; still born, 1; killed by accident, 1; died at birth, 1; conjestion of liver, 1; billions fever, 1; measles, 2: bronchitis, 1; conjection of heart and lungs, 1; consumption, 1; typhoid pneumonia, 1:-total, 12.

Of these 5 were infants under 21 years of political significance, every Southern paper age; one a child of 11 years and the remaining 6 adults from 31 to 55 years of age. credit of the State. It it be true that the act of provisions, furniture, &c., were added; and resentatives, and filling places in the Ex- posited in their new receptacle. There It is also proper to state that one of the Assembly, which we are considering, gives or persons thus interred died in Lumberton, lends the credit of the State to the Chatham road then I admit the act is void. But the act must other things were added. All of which would be incongruous and absolutely abe ed by judicial ire! journals, it has the active support of nearly making only 11 deaths among the whites speak for itself. And if it does not state that the met the approval of the public, and was sard to rule that a free person of color is The Governor, by the way, thinks that

In addition to the above, the interments in Pine Forest Cemetery, for the burial of colored persons, have been 5 children and city were 22, and deaths 21 for February.

Howard Amendment, took place on the long ago enacted, seems destined to cause error. Instead of loaning the credit of the State it from taking office. The Postoffice Department continued to be in a quandary demand; when peace, real, lasting, just and | which give Dr. Murphy, the Conservative about it, there being mar - postoffice towns in the Southern States in which nobody can be found who is able to take it. So unanimously do the Southern people seem to be averse to perjury that the above result. It is estimated that Dr. Postoffice Department is compelled to ap-Another most gratifying and promising Murphy's majority in Sampson will reach ply to Congress for relief, and a bill introduced by Mr. Norris, is now before the House committee on reconstruction, proin places where nobody will swear the 'iron-clad oath." According to this bill. the fact must be established, in the first are to be found. Not political adventurers forms us that the blacks have a registered General, that "no person can be procured 'to act as postmaster for such office who will take the oath in question .-While waiting to get fully into editorial shall be satisfied of this. It is to be done trim, after our exquisite sojourn in Mobile, by more swearing; "by affadavits to be to pay our respects to the people of whose filed and preserved." First, all the inhabitants of such village are to be asked to swear the "iron-clad oath" and take the recipients, we can possibly the more readily postoffice. Upon the refusal of every one to do so, all of the inhabitants are to be asked to swear that none of them can or will swear the said oath, and all the oaths that no such oath can be taken are to be "filed and preserved" by the United States. Then, and then only, the Postmaster General may look out for some "loyal well-disposed," and in other respects "not disqualified" person for post-

Here is circumlocution with a vengeance. and the more there is of it the greater are the embarrassments which are disclosed. The New York Evening Post, a leading repeal of the iron-clad eath would solve But still the Judge has but one guide all these difficulties, and speaks of the oath itself as "a mere sieve to catch men with a conscience, and to let menthrough with-"out it. It ought to be called a law to prevent men of truth and good repute from holding any office in the States

"lately in rebellion." The Virginia State Agricultural Society November next.

Solon Robinson asserts that the apple trees in this country are slowly dying out, become us to speak hereafter. As to a musket or gun of any kind in the and that nothing can save them.

From the Raleigh Standard. CHATHAM RAILROAD.

Dissenting Opinion of Justice Reade in the

I propose to consider :

2. Whether the set is constitutional. 1. The Constitution declares that the three De partments of the Government—the Legislative, Executive and Judicial shall be kept separate and distinct. Division and strife would be as inevitable between the Departments as between individnals but for the observance of this important fundamental principle. This principle has hitherto been observed by the Court. Even at this term the Court was requested, with all the formality sembly, to give an opinion upon the Homestead. Yet the Court declined to do so.

But it is argued that here we have a case between parties. This, however, must be so in the Among the on dits of the day is, that the South, spirit as well as in the letter, and the Court must once an honored portion of the Union, is to have not allow itself to be used under cover. If we reone position in General Grant's Cabinet, and that fused to give an opinion to the Legislature. how shall we be justified if we permit the end to be ter, malignant hater of the great body of the accomplished indirectly through an individual? The Legislature is under the same oath to observe the Constitution as is the Court. And unless an act is plainly unconstitutional, the Court

is bound to sustain it. How stands this case? On the 18th December last, the Legislature passed an act directing the Public Treasurer to subscribe for \$2,000,000 stock in the Chatham Railroad, and to pay for the stock in bonds of the State, payable thirty years hence, and providing for a special tax to meet none of it. Better to own the truth at once, and the annual interest. And on the 28th Decemberten days thereafter, before one-tenth of the citifree and representative government is not intend- | zens of the State knew-as we may supposeed to apply to the South. That will, indeed, be that such an act was passed, the plaintiff files a bill in the name of himself and other tax payers will at least have this merit that it avoids de- in the State, to enjoin, not the collection of the

tax, but the issuing of the bonds. The counsel for the defendant did not controvert the question of jurisdiction but conceded it, urging the ground of public policy. If the Court may interfere now, at what stage of legislation of industry and enterprise It was a guar is to be set down to inadvertance, or the may it not be called upon to interfere? Why allow an unconstitutional bill to be printed? This involves an expense and burden upon the tax-

One of a class may suo for him-elf and others of himself and a class unless, under the same circumstances, he could have redress for himself

the injury sought to be enjoined is certain and irreparable. It is not certain that the plaintiff will be in existence thirty years hence when the bonds fail due. It is not certai . that he will be ected. But even if certain, the injury is not wereenjoin it then or pay it under protest and recover

It is to be noted that the injunction asked for, is not against levying taxes, but against issning the bonds. By no possibility can that injure the the breach than the observance." We fear plaintiff. Indeed, we have the opinion of the Legislature, competent to pass upon the fact, it will greatly benefit him.

II. IS THE ACT UNCONSTITUTIONAL? The settled rule is that unless an act is plainly

General Grant will not make himself a behalf of the State unless it shall in the same

mary licenses for the celebration of the market, but that per value must be obtained for If this be the proper construction, then if par pay, although their means are aduction, plant if for his gebt and interest.

lowing number of couples by the Register value is received for the bonds, they may issue and are used in speculation and extravathem valid if below par. Again, the bonds were issued at par because it was the creation of debt to the amount of \$2,000,000 of bonds at par, by the most prudent and honest purposes, was under cover. Whether the stock be worth par or not is not a question of law or of construction would be crippling industry and enterprise Has not the Legislature plainly declared the fact makes no difference, because a special tax is pro-

clause of the 5th section of the 5th article of the the enforcement of contracts, are not used the Constitution. tained for them without levying any tax. 2. That the same bill to pay the interest.

2. But it is said that this case does not come favor of its validity. A careful examination of the act shows that no such declaration ockanywhites the number of interments for the tion of taking stock in the road and paying for it at par. The Legislature had before passed an act lending the credit of the State to the Chatham The "iron clad oath" which Congress very error the Legislature, in December, repealed this act and passed another to remedy this very quite as much inconvenience to the public to the Chatham road, they bought stock in the interests as to those who are deprived by road, as an individual may do, and levied a special tax as required by the Constitution. The

If the case fails under the first clause of the 5th section of article 5 of the Constitution, or the few. act of December 15th, 1868, the question is at an

I am of the opinion that the act is valid. I am of the same opinion.

> From the Baleigh Standard. STAY LAW.

THE SUPREME COURT.

CASE OF JACOBS VS. UNDERWOOD.

It ought to be, and it is with us, the gravest duty to decide between the Constitution and a legislative enactment. It is settled that whenever such a question favor of the validity of the enactment, and against the alleged repugnance. Nor is it ever to be presumed that the Legislature intends an infringement of the Constitution. even when the infringement is palpable; but it is to be set down to inadvertance, or mistake, or unconscious bias from pressing but painful, when great public interests are involved, or the public mind is excited and anxious, by reason of the multiplicity of individual interests, which are at stake. -

enactments is important, but to maintain and defend the Constitution is paramount. The Constitution of the United States provides that "no State shall pass any law impairing the obligation of contracts.' The obligation of a contract is, the duty parties which may come before us, yet a of its performance—a full and complete measure which has the sanction of the

compliance with its terms. Any statute which relieves a party from dian of the United States Constitution, and this duty, or enables him to evade it, is of an enlightened public sentiment, and

An occasional, if not a frequent recur- gives to every man a home from which h rence to fundamental principles is useful. | cannot be driven, may well be supposed to Let us, therefore, consider why it was find favor with the Court, no member of finger,

thought necessary by those who formed | which has intimated an unfavorable opinour government, to make this provision in | 10n. If such should be the case, then every the United States Constitution. Every man will be saved from oppression. And and justice—great and good men-framed not exempted as his homestead. a government in which virtue and intelli-

those who were expected to come under but which was not only invalid but misit by immigration were to be poorer still; enievous, and gives a stone instead of the whole body were dependent bread, we were anxious to relieve the pubupon industry and integrity for pros- he mind by directing attention to a meaperity. Under these circumstances, what sure—the homestead—which may entre to was necessary for the business and prost the benefit of all. perity of such a community? If it had

been left to the control of capital, the pair the obligation of contracts?

oly, and industry and enterprise would have been paralyzed. To prevent this, 14 tegrity was put in competition with capital, I arning upon it is abundant and common.

indeed almost to supply its place. Every Barnes vs. Barnes. man's word was to be his bond, and every not the purpose of the Convention to im- mark a new era in juridical literature. For bond-every contract-was to be unavoidable. Not only was the capitalist assured pair the obligations of contracts, both bethat if he would venture his capital for the cause that is not to be presumed and beinterest of the community he should have cause a different purpose is expressly deevery guarantee for its safety, but the la- clared. And we are to take the declared little blank verse into his essay on the Stay borer was assured that industry should purpose the real one. The purpose de- Law-a feature entirely novel in such prohave its reward; that in the absence of cap- chared is "to change the jurisdiction of the ital to "pay down," industry and enter- Courts," &c. To do that is quite within prise need not falter, because a promise of the province of legislation. But while reward should never be evaded or impair pursuing that legitimate object, it turns I venture to assert that the Reports, from ed. It will be seen, therefore, that the out that the effect was to impair the obligaprovision was not so much for the protection of contracts-a con equence which, tion of capital, as for the encouragement as we are to resume, was not foreseen, and antee of justice to all, and is expressly unconscious bias of pressing circumstances. against him who would obtain the profits And as soon as it is discovered that the of industry, and withhold the reward. It effect is to violate the Constitution, the is a provision in favor of industry and Legislature and every citizen will sustain the same class. But one cannot have redress for honesty, and against idleness and treach- the Court in its purpose to maintain the Constitution.

Probably the wisdom of our ancestors The second section of the ordinance of could not be more clearly vindicated than the Convention of 1865-'66 entitled "An it is by the circumstances which now sur- ordinance to change the jurisdiction of the round us. Let it be supposed that there are Courts," & ., as amended by the Convenin the State 200,000 persons acting for from of 1868, to be found appended to the man's official dicta, elicited from time to possessed of taxable property when the tax is col- themselves : one third of them, the colored Code, provides that all contracts, without time by the Governor, or manufactured to portion, are neither creditors nor debtors regard to the terms of payment made by order by the latter dignitary. parable. If the tax should fall on him, he might to any considerable amount, and are de- the parties, shall be payable in four annual pendent upon their labor for subsistence; instailments. Now it the terms of the conand that depends upon the inviolability of tract be that it is all payable at one and the the Stay Law that the Homestead is contracts. Another third, one half the same time, and the ordinance changes the retrospective in its operation, and is whites, are small farmers and laborers, de- paym ne to four diff rent and distant times, pendent upon the rewards of industry. - it is a material angration and impairs its

The other third may represent the creditor congation. and debtor classes. Or these there ar, Sec ion sixteen provides that the second doubtless, meritorious cases on each side. section shad not a, ity to depts contracted whale." A mere obiter dictum, it, of course, unconstitutional it must stand. Let us then con- On one side there may be the exacting shy- since 1st May, 1865; so that the second has no binding force; and it may well be sider, not whether the act is unconstitutional, lock creditor, and on the other the ex section is made to the two-fold of jection 2. That the Executive Committee assess the committe side there may be the widow or the orphan discrimina ing between classes. The sec- issue directly presented, would decide accreditor, and on the other the showy, oud section is therefore void, as impairing cording to its implication. The impres-It is not supposed that the occasion of the is- spendthrift debtor. It is impossible to the obligation of contracts, in that (1) it sion, I say, seems to be, that the suggessuing of thebonds comes within any of the excep- make general rules to fit these individual alters the terms in the particular of the tion was put forward only to break the cases; and it was wise to leave the con- time of payment; and (2) in the particular force of the popular irritation at the main tract inviolable, and the hardships to pri- that it alters the remany of enforcing the decision. It really seems to have had that "Until the bonds of the State shall be at par, vate adjustment. Probably the attempted contrac - not immaterial and reasonable effect. the General Assembly shall have no power to interference in favor of one class against attentions, but material and unreasonable the other, has held out false, not to say ones.

From the Raleigh Standard. Again: it was very well known to those COLORED TESTIMONY. who framed our Constitution, that with persons would sometimes become involved beyond their ability to pay, and that it Opinion of Chief Justice Pearson.

tion. It is a question of fact, and it is within the to afford them no escape from misfortune; and, therefore, the same Constitution, which makes contracts inviolable by stay by directing that the stocks shall be bought as laws, provides for a general bankrupt law. preferred stock, and that the bonds shall be taken by means of which a debtor may be abat par? But even if they are issued below par, it solved from his debts and take a new Code, chap. 107, sec. 71, which makes per- a signment of rooms in the Capitol which,

few who had it would have had a monop

wearing apparel, wheel and cards, loom, eration. bed and furniture, & ... as our fortunes insubsequently, as times and habits changed centive department of the State. So it may they remain, never more to be disturbcredit of the State was losned or given, we cannot not injurious to creditors, while the debt- meompetent as a witness against a wnite the Capitol is not large enough to accommoors were not reduced to want, nor left to man charged with the offence of miss-mark- date the numerous officials with whom "Rad

broken spirits. Now there is a commendable spirit which and in popular approbation, to allow Constitution.

ing the decision of the question, whether show in fact that it is unavoidable, in or- dence that these people have got, as the the provision for a homestead in our State der to make the parts of our system har- saying goes, "too big for their breeches." Constitution is in violation of the Consti- monize and work together as a consistent tution of the United States. And although whole. the advice of the Supreme Court was re- There is no error. Judgment affirmed. quested by resolution of the General Assem- This will be certified. Pearson, C. J. ly, yet our Court is so constituted, that we have not felt at liberty to deliver any authoritative opinion upon the subject. But the fact may be stated, that our new Constiplace, to the satisfaction of the Postmaster DECLARED UNCONSTITUTIONAL BY tution was approved by Congress, with that provision in it; and it is not to be sup posed that it would have been done, if it had been thought to be in violation of the Constitution of the United States. An Lit OPINION OF JUSTICE READE IN THE is settled, that every presumption is to be made in its favor; as having the approbation of the Convention of the State, and of may be repeated that exemptious have always existed, not to any considerable amount, to be sure, but still, in increasing amounts, keeping pace with the change in arises, every reasonable presumption is in the country. If an exemption of the value of \$100 was necessary in our infancy as a people with the simplest habits and fell impoverished South." under the maxim, de minimis non curat lex. it may be that the exemption of a home stead of \$1,000 value will be deemed less considerable now than \$100 then. And it has the sanction not only of Congress and of circumstances. The duty is not only grave the State Convention, but of the liberal spirit of the times as well. And it may well be supposed to be the earnest wish of the Government in all its departments. and of every enlightened and benevolent citizen, to see every man with a HOMEduty. To maintain and enforce legislative a home for his wife and children, a home to adorn and to love-his home, his castle-

"From turret to foundation stone." Although we are not permitted to declare our decision in advance of a case between State Constitution, of Congress, the guar which is lounded on justice, and which

word of that instrument was well con- in the absence of any stay law to prevent, sidered; every principle was founded in every man will be obliged to do ju-tice to Case of Galleway vs. Jenkins and Others patriotism and virtue. Those who had his creditors, by surrendering to the satis fled from error, and staked all for truth faction of his debis so much property as is We have been thus full in what may be gence were to be the powers; capital, regarded as an unusual discourse of the privilege, monopoly, rank, had their day subject by the Court, because we are aware and were discarded. Upon a new soil and that the effect of our decision will be felt in fresh clime, a government was inaugu | very far beyond the case before us; because rated founded upon the virtue and intelli- of the anxious state of the public mind; gence of those who were of it. Very few and because, in declaring invalid a meas were rich; the masses were poor; and are which was intended to afford relief,

> We come now to the question: Does the ordinance, which we are considering, im-

We do not propose to labor the subject. It is plain and incontrovertible. And the

unjust hopes, and has prevented the private adjustments which might have been which this opinion is decisive. The par- will brobably undergo modificationmade. As it is, we find that eight years of hount point prescribed in this case is though not, perhaps, beany material extent. stay laws have left a consider the indebted- whether a bond given since 1st May, 1865, It I am not mistaken the tax on all real ness with interest and cost accumulated, in renewal of a debt before that film, and pers half property in the State was The Convention provided that no new debt state were and creditors and sureties impoverished, could be created until the bonds of the State were and creditors and sureties impoverished, could be sued on in the County Court (this finally fixed at a ventural noths of one per affairs of our Government, that we have at par. So it seems to be clear that the only rest without any corresponding benefit to the suit naving originated in the County e.m. It is claimed that this will be ade principal debiors; some of wrone count Court.) The defend at pleaded othe ju- quite to the expenses of the State governpay and have sought relief from the Bank- rische lon and the plantell demurred, and ment for the year, but the result will depar value is not obtained, is the same a to say rupt law; and some have delayed, and his Honor overral a the demurrer and sus- monstrate widely the reverse, or all reasonhave lost the opportunity for that relief talued the pala. In this there was er- able estimates are greatly at fault. The By this par value is not meant the price in the by reason of the false hopes heat out by ror. According to this agreement of par- majority by which the Bilt passed the the stay law; and some of whom will not thes, judgment will be entered here for the House was very mengre-many Radicals

The Law Regar. s not the tolor of the representative from New Hamover, French,

IN THE CASE OF STATE VS. UNDERWOOD. We are of the opinion that the act Rev. sons of color incapable of being witnes-es I suppose, is satisfactory all around-ex-

Constitution, the Legislature has unlimited power to the extent of oppressing the debtor, for According to that instrument, persons of lative restriction been imposed, to have there have always been exemptions of color are entitled to vote and hold office. onsted that pest of a Supreme Court for tained for them without levying any tax. 2. That what were deemed necessaries. In our The greater includes the less, and the efif its bonds are below par, provided it lay a tax in earlier days—times of great simplicity and feet is, to take away the mark of degrads. Man Adams. As it is, the Court "sticks" small estates—we had the exemptions of tion imposed by the statute under consid- -while the big A and the little a, Ashley

ing seats in the Senate and House of Rep. and kickings of profane feet and duly deing one of his neighbor's sheep.

5 adults—a total of 10. Added to the inference of such a thing. It is a plain transaction nant to the spirit, if not the letter of the long been considered a very respectable

bed without a shelter to keep off the rain ! question, and indeed there is but little room I am told, last Fall, on occasion of a Radi-But exemptions and homesteads on the for discussion. The new order of things cal mass meeting in this place, when, by one hand, and stay laws on the other, are brought about by emancipation by the permission of the Governor, it afforded very different things. The former allows a 13th article of the amendment of the Con- sleeping accommodations to perhaps a man to be comfortable and honest, and en- stitution of the United States, the Civil courages industry, while the latter enables Rights Bill, the military rule to which the boot. That it is not large enough now to act expressly calls the transaction a purchase of him to be profligate and dishonest; the State was subject while the government accommodate the officials who constitute former is for all, the latter for a favored was provisional, and the approval by Con- the "powers that be" is a sad illustration gress of the present State Constitution, of the number of leeches who are gorging There has been no case before us requir- tends to support our conclusion, and to from the body corporate, or a clear evi-

Mississippi and Her Mean Men. Ex-Governor Brown, in his letter to the Committee on Reconstruction, states that the greatest danger to his State is from the men who were false to both sides during the war, who were firm secessionists when secession was popular, but apostatized when the South fell, and the unworthy adventurers who rushed in when the fight was over to claim the fruits of avictory won the Congress of the United States. And it by the valor and bravery of better men than themselves. Luese mean creatures, one and all, labor night and day to stir up strife between blacks and whites, in the vicious hope that whatever of evil may bemanners and customs, and the condition if tide the good and orderly of both races. they at least will get the offices, and fatten the prophesy that it will be the most odious on the little substance that is left to the law and system ever put upon any people.

The Question of the Hour.

Shall negroes be admitted to the Inaugnaration Ball ? The New York 'Times kindly advises the negroes to take ground and "refuse to outronize it." The chickens are coming home to roost.

The Philadelphia Press divides the par- born on a Baton Rouge plantation, and ies in the Forty first Congress as follows : lately deserted by a husband of her own Radicals, 145; Democrats, 63. The Age color. The ceremony was performed by replies; "But the real statement is : Rad- the Rev. Mr. Turner, a colored preacher, ical, 134; Democrats 71; which brocks the who has been acting as chaplain of the Senlittle game of two-thirds."

parted.

OUR RALEIGH CORRESPONDENCE

important Decisions of the Supreme Court Jaridical Literature_The Homestead Exemption -Revenue Sill -Tax on Real and Personal Estate_French Gives a Good Vote_"His "xcellency" Dispuses of the Rooms in the Capitol_The Court " ticks " while the Big A and the Little a of the Cabinet Vamose_The Capitol too "mail for Radical Progress-Onerous Duties of the Superintendent of Public Works-The School Bill, &c , &c., &c.

RALEIGH, Feb. 26, 1869. Dear Journal :- Nothing has occurred to ipple the surface since my last communication beyond the publication in the papers of this city of the decisions of the Supreme Court, to which I have heretofore referred and which you have doubtless published ere this. There are certain peculiarities about the respective opinions, entirely independent of the principles enunciated (which are generally conceded, in the We are obliged to concede that it was main; to be correct and proper,) which instance, Judge Reade, with a sort of Fourth of July inspiration, introduces a ductions, and one which may be set down as one of the fruits of Radical "progress." Haywood down to Phillips, may be ransacked in vain for a similar judicial efflo-

Then again, Judge Settles' compact and luminous opinion, in endorsement of Judge Reade's dissent from the ruling of the Court in the Chatham Railroad Injunction. affords a model for future jurists. It is embraced within just six words-" I am of the same opinion,"-and, in laconism and logic, is only equalled by some of Cole-

The intimation in the opinion on valid against old, as well as new, debts. is generally regarded, by intelligent persons, simply as "a tub thrown to the questioned whether the Court, were the

the Revenue Bill, you have already seen, has passed its last reading, and after voting against it on various grounds .-Some thick it too high -others regard it as too low-yet others oppose it because it operates badly on their immediate constituencies-and others still because of its personal oppression. The "cullud folks" squared his doughty self against it on the ground that it gonged the mercuants-"one of whom he is which "-too severely. So that he has given, from whatever motive,

one good vote. Mark it down! The Governor sends a message to his faithful in the Legislature recounting his Again: the laws, while they provide for except against each other, is repealed by cept that "his Excellency" would doubt less have been delighted, had not a Legisand Adams, didu't-and the Auditor's We see every day persons of color hold- traps have been picked up from the dust

ical reconstruction" has blessed the State The statute must be taken to be repug- and the Treasury! The "State House" has building in point of size. Its capacity, as homesteads; for truly we say, why allow a We see no occasion to elaborate the adormitory, for instance, was fully tested, thousand negroes, with dancing room to-

> The Governor, however, it is pleasing to relate, has very satisfactorily defined the onerous duties of the Superintendent of Public Works. Having gotten through with "taking care" of the University buildings, it now behooves him to "take care" of the Gubernatorial Mansion, which has lately been refitted at considerable expense to the State, and in which Holden don't live, for reasons best known to himself; and, in order to "take care" successfully, the Superintendent aforesaid is allowed to occupy the Mansion, rent-free. If a man can't get fat on such pickings as these, he must be of the Cassius breedlean, at all hazards, and in spite of every

> The School Bill is being discussed, day by day, in the Senate, and it will be yet several days before it is perfected-if such misnomer may be applied to such a monstrosity. I do not hesitate to make Already Mr. Lindsay, an independent Republican Senator, pronounces it, on the floor of that body, the "Abominution of Desolution."

Marriage in High (Radical) Life, The recent marriage of Peter Harper, a white Radical member of the Louisians Legislature, was a grand affair. The bride was Eliza Jane Brooks, a negro woman, ate. The Hon. Isabelle, a dandy looking man, was one of the groomsmen, and one An ex Confederate has just returned to of the quadroon daughters of the landlady his farm in l'ennessee and dug up \$10,000 of the Rev. Carpet-Bag Conway was a coin which he had buried when he de- bridesmaid. Hon. P. B. S. Pinchbeck gave the bride away.

An Eng'ish girl has obtained £5 damages Alvin Adams, the ex-express man of Bosfrom a sweetheart who, while courting hers ton, has just paid Bierstadt, in Paris, \$2, squeezed her hand so hard as to break a 000 in gold for one of his latest and largest